

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

92654-008

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed
name _____

Application Number

09/997,273

Filed

NOV. 30, 2001

First Named Inventor

JAMES G. GATTO

Art Unit

3693

Examiner

KIRSTEN S. APPLE

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the



applicant/inventor.



assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)



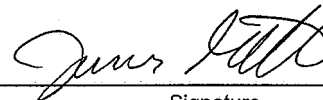
attorney or agent of record.

Registration number _____



attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

JAMES G. GATTO

Typed or printed name

703-770-7754

Telephone number

October 16, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.



*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James G. Gatto

Application No.: 09/997,273

Group Art Unit: 3693

Filed: November 30, 2001

Examiner: Kirsten Sachwitz Apple

For: System and Method for Automatic Analysis of Rate Information

**ATTACHMENT SHEETS TO
PRE-APPEAL BRIEF CONFERENCE REQUEST**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated April 16, 2007 ("Office Action"), Appellant hereby requests that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided below.

This Request is accompanied by a Petition for a three-month extension of time under 37 C.F.R. §1.136(a) and authorization to charge \$525 extension of time fee to Deposit Account 033975. It is believed that no additional fees are required, however the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 033975 (Ref. No. 92654-008).

APPEALED REJECTION

Appellant traverses and appeals the rejections of claims 1-26 under 35 U.S.C. §102.

ARGUMENTS FOR TRAVERSAL

The Section 102 rejection is traversed because Roberts fails to disclose each element of the independent claims 1 and 14. For example, Roberts does not disclose a multi-factor rate analysis system for analyzing on a per user basis, savings suggestions based on rate plan information, user's prior usage information *and user preference(s)* as recited (e.g., claim 1). Roberts does not disclose using user preference information in determining if a better rate plan is available for a particular user based on the user's preferences (e.g., claims 1 and 14). The Examiner refers to item 510 of Fig. 6 for the multi factor rate analysis system, (Office Action at p. 5), but this text merely says "prepare comparison report." This does not meet the claim elements. The Examiner alleges that Roberts discloses a "user preference" at Fig. 5, item 416 (Office Action at p. 3). Element 416 merely says "performance analysis".

Many of the dependent claims include separate patentable features as well, but they need not be addressed here.

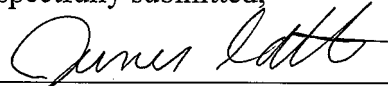
CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Appellant's position that the pending rejection of each of claims 1-26 constitutes legal error and should be reversed. Notice to that effect is anticipated.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Date: OCTOBER 16, 2007

Respectfully submitted,



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